

South Somerset District Council

Minutes of a meeting of the **Area East Committee** held at the **Meeting Room, Churchfield Offices, Wincanton** on **Wednesday 11 February 2015**.

(9.00 am - 1.05 pm)

Present:

Members: Councillor Nick Weeks (Chairman)

Mike Lewis	Anna Groskop
John Calvert	Tim Inglefield
Tony Capozzoli	Lucy Wallace
Nick Colbert	William Wallace
Anna Groskop	Colin Winder

Officers:

Anne Herridge	Democratic Services Officer
Adrian Noon	Area Lead (North/East)
Helen Rutter	Area Development Manager (East)
Adron Duckworth	Conservation Manager
Andrew Tucker	Conservation Officer
Catherine Hansford	Welfare Benefits Team Leader
Tim Cook	Neighbourhood Development Officer (East)
Alex Skidmore	Planning Officer
Lee Walton	Planning Officer
Paula Goddard	Senior Legal Executive

NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.

157. Minutes of Previous Meeting (Agenda Item 1)

The minutes of the meeting held on 14th January 2015 copies of which had been circulated, were agreed and signed by the chairman.

158. Apologies for absence (Agenda Item 2)

Apologies for absence were received from Cllrs Henry Hobhouse and Mike Beech.

159. Declarations of Interest (Agenda Item 3)

There were no declarations of interest pertinent to this agenda.

160. Public Participation at Committees (Agenda Item 4)

4b) Cllr Colin Winder had been disappointed with the full and detailed response regarding the lamp in the Market Place Wincanton that he had received from the Civil Contingencies Manager who had been on duty on Christmas Day. The ADM considered that the officer had done her best at the time of year with the information that was available, therefore she would discuss the matter with Cllr Winder further after the AEC meeting.

The ADM would also follow up Cllrs Winder's query regarding the lighting along the cycle way from Morrison's Supermarket.

Cllr Nick Colbert compared the procedure of a planning application that had recently been considered by AEC regarding an agricultural tie and an application that was to be considered at this meeting, he referred to the SSDC scheme of delegation which in his opinion was contradictory. The Chairman agreed to follow this up but he urged Ward Members to contact him if they had any issues with applications in their ward prior to consideration at AEC.

161. Reports from Members Representing the District Council on Outside Organisations (Agenda Item 5)

There were no reports from members representing the District Council on Outside Bodies.

162. Feedback on Reports referred to the Regulation Committee (Agenda Item 6)

There had not been a meeting of the Regulation Committee recently.

163. Date of Next Meeting (Agenda Item 7)

Members noted that the next scheduled meeting of the Area East Committee will be held at the Council Offices, Wincanton on Wednesday 11th March 2015 at 9.00am.

164. Chairman Announcements (Agenda Item 8)

There were no announcements made by the Chairman.

165. Exclusion of Press and Public (Agenda Item 9)

RESOLVED:

That members agreed to exclude the press and public during consideration of Agenda Item 10 as the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

166. Historic Buildings at Risk in Area East - Confidential (Agenda Item 10)

The Conservation Manager and Conservation Officer gave an oral presentation with photos of current Historic Buildings at Risk cases in Area East.

Members entered into detailed discussion about various buildings at risk and took note of the recent developments.

RESOLVED: that the report be noted and comments made.

167. SSDC Welfare Benefit Work in South Somerset (Agenda Item 11)

The Welfare Benefits Team Leader presented the report as detailed in full in the agenda. With the aid of a power point presentation she gave details of the work the Welfare Benefits team had undertaken in the year 2013/14.

In response to questions from councillors, the Welfare Benefits Team Leader replied that:

- Without further research she could only assume that the figures for South Somerset were the highest for households effected by Benefit Cap and Spare Room Subsidy due to the denser populated areas such as Yeovil and Chard;
- Low wages in the area and under employment were the main reasons why people in work were eligible for Housing Benefit;
- Some people with debt problems were often unaware of what benefits they could claim, the Welfare Benefit Team do help and guide them often by helping those at risk of eviction to remain in their homes;
- Minimal help was given to owner/occupiers and no benefit help could be given to owners struggling to find the funds to repair their properties;
- A lot of referrals do come from the Mental Health Teams and the team continue to highlight social policy issues through national organisations and with local MP's.

At the conclusion of the debate, the Chairman thanked the Welfare Benefits Team Leader for attending and providing an informative presentation.

RESOLVED: That Members commented on the report.

168. Village Halls update (Agenda Item 12)

The Neighbourhood Development Officer presented the report and updated the committee on recent improvements to village halls in Area East.

In response to a question regarding the withdrawal of S106 obligations from small developments the Neighbourhood Development Officer would discuss the possibility of the detrimental effect on village halls in more detail with the relevant members.

As requested a list of all village halls within Area East would be made available to AEC members and officers would ensure that as soon as the outcome of the revised application to The Big Lottery for Galhampton Village Hall was known, Ward Members and Cllr Mike Lewis would be informed.

RESOLVED: To note and comment on the report.

169. Area East Committee Forward Plan (Agenda Item 13)

Members were asked to note that reports on Retail Incubation and the Minor Injuries Unit would be on the agenda for the AEC meeting to be held on 11th March 2015. The Streetscene update would be on the agenda for the meeting due on 8th April 2015.

An update on Buildings at Risk was requested to go on the AEC agenda for the meeting to be held either in June or July 2015.

Next month the ADM would also include up to date information regarding the provision of education in Wincanton.

NOTED

170. Items for information (Agenda Item 14)

Members were asked to take particular note of the details of the appeals in this section.

NOTED

171. Schedule of Planning Applications to be Determined by Committee (Agenda Item 15)

NOTED

172. 14/02896/OUT - Land adjacent Light House, Barton Road Keinton Mandeville Residential development of land for up to six dwellings. (Agenda Item 16)

The Planning Officer presented the report as detailed in full in the agenda report, she emphasised the reason why this application was back to AEC for consideration and provided members with an update from Keinton Mandeville PC who wished to reiterate their previous comments and their recommendation to refuse the application. The officer confirmed that her recommendation was to approve the application.

The chairman reminded members that a previous appeal had been dismissed by a Planning Inspector due to the lack of provision of recreational facilities.

Ward Member Cllr John Calvert understood why the village had been opposed to this application and he was unhappy that the government had removed the planning obligations on small developments which meant that Keinton Mandeville would no longer receive money towards local facilities.

During discussion various comments were made including:

- The previous application had only been approved because it had included a S106 obligation towards sport and recreation facilities which the local community would have the benefit of. Without the agreement the previous application would probably have been refused by AEC members;
- The site would only be sustainable with the S106 agreement;

- Suggested the application should be deferred until it was known if the completed site would have more than 1,000 square meters of floor space as that would mean a S106 obligation would have to be included;
- It would be difficult to go against government legislation.

In response to several queries the Area Lead East replied that;

- In the light of an earlier appeal the previous application had been approved with the inclusion of a S106 obligation, but due to recent government legislation and the fact that this application was for less than 10 dwellings the Council could no longer request the leisure and recreation contributions sought by Leisure Policy, if this application was unacceptable to AEC members that would potentially mean that all schemes under 10 dwellings would be unacceptable;
- The proposed informative 01 was to ensure that the applicant was aware that a financial contribution towards leisure and recreational facilities could still be sought at Reserved Matters stage if the combined gross floor space of the development exceeded 1,000 square metres;
- A condition could not be imposed regarding obligations as the application was below the threshold, tariff based contributions could not be sought without evidence, Sports Art and Leisure had previously carried out a long exercise regarding this, any new scheme would have to be evidence based;
- The developer had not previously signed the S106 agreement and did not wish to make any local contribution.

The Senior Legal Executive advised that as the obligation had not been signed contributions could not be requested or enforced; a contract and mechanism for payment would be required to ensure enforcement of any private agreement.

A proposal was made to defer the application for further discussions to take place with the applicant in order to give them the opportunity to renegotiate a payment for local sport, art and leisure facilities, not a strategic element, as it was considered that the application would be unsustainable without that part. The proposal was seconded and on being put to the vote the motion was carried by 6 votes in favour, 1 abstention and 2 votes against.

RESOLVED: That Planning Application 14/02896/OUT be deferred to seek an agreement with the applicant for the retention of the local element of sport, art and leisure obligations. To include the elements targeted within the locality not strategic elements to go to Yeovil.

(Voting: 6 in favour; 1 abstention. 2 against)

173. 14/03661/FUL Corton Denham Road The development of a shared electronic communications base station (Agenda Item 17)

The Planning Officer presented the application as detailed in the agenda. He provided members with several updates including a letter of support that had been withdrawn by the author who now objected to the application; a letter of support from a resident of Sandford Orcas who hoped the mast would improve the mobile signal; a letter from the chairman of the Sherborne and District Society Campaign to Protect Rural England CPRE asking why the advice of the Landscape Architect and the Conservation Officer

had been ignored; and a letter from Corton Denham PC that had been sent to all members of AEC regarding comments made in the agenda report by the Planning Officer.

With the aid of a power point presentation the officer indicated the location of the proposed telecommunications mast, a map showing the area of coverage, the vicinity of the church and photos including photo montages. He then read out the arguments for and against the application and referred to the discounted sites, he reiterated that this application would be the only opportunity to improve mobile reception in the area, if the application was refused the applicant had said that they that would not put in an appeal against the decision. The officer confirmed that his recommendation was to approve the application as detailed in the agenda report.

Mr J Martin and Mr N Young of Corton Denham PC both spoke in objection to the application they considered the application would have a significant effect on the countryside, the beautiful scene was often used by media magazines to depict the English countryside and that would be spoilt it could in turn affect tourism in the area. Although not opposed to new technology this was considered to be the wrong application in the wrong place.

Ms H Clarke, Mrs G Wilks, Mrs J Jackson, Dr R Odgers, Mr D Morgan, Mr S Sparrow, and Mrs L Elson all spoke in objection to the application.

Mr W Osborne of the Harlequin Group spoke in support of the application and urged members to approve the application as this would be the only chance to improve the mobile signal within the area.

Ward Member Cllr Tim Inglefield thanked the officer for his report but disagreed with the recommendation, he knew the area well and considered that the visual amenity particularly from the South would be effected. A huge majority were against the application as well as the Landscape and Conservation Officers, Cllr Inglefield proposed that the application be refused.

Ward Member Cllr William Wallace agreed with Cllr Inglefield and felt this was a good example of localism and seconded the proposal to refuse the application.

During discussion members expressed their support to refuse the application. It was felt that the way that technology was going the mast would be redundant in just a few years' time, although the future generation needed to be considered this proposal was in the wrong location and would have an impact on the setting of the listed church as well as harm to the landscape character and visual amenity; the applicant could also have consulted better with the community.

On being put to the vote to refuse the application because the benefits in terms of improved communications arising from the proposed telecommunications mast would be outweighed by the harm to the landscape character and visual amenity and setting of heritage assets, including the grade II listed church the motion was carried unanimously in favour of refusing the application.

RESOLVED: That Planning Application 14/03661/FUL be refused as the benefits in terms of improved communications arising from the proposed telecommunications mast would be outweighed by the harm to landscape character and visual amenity and setting of heritage assets, including the grade II listed church. As such the proposal is contrary to saved policies ST5, ST6, EH5, EH1, EC3, EU8 of the South Somerset Local Plan, the

Emerging Local Plan Policies SS2 and EQ2, and the policies contained within Chapters 11 and 12 of the National Planning Policy Framework, specifically paragraph 128.

(Voting: Unanimous in favour)

174. 14/05070/LBC 4 Upper Street, Castle Cary - Retrospective to retain replacement windows (Agenda Item 18)

The Conservation Officer presented the application, as detailed in the agenda on behalf of his colleague. He confirmed that the officer's recommendation was to refuse the application due to the considered harm to the significance of the Listed Building.

Mrs L Elson spoke on behalf of CPRE in support of the recommendation to refuse the application.

Mr J Shaw the agent, addressed the committee in support of the application and urged members to approve it as the impact was minimal, the Town Council were in favour of granting retrospective permission as they considered that the replacement windows enhanced the appearance of the building, and no damage had been done to the listed building whilst work had been carried out.

Ward Member Cllr Nick Weeks felt that the building had been improved and although he appreciated the Conservation Officer's concerns he thought the work had been sympathetically carried out.

During discussion, varying views were expressed including:

- Agreed with the Ward Member and felt the recommendation was contradictory to the confidential report heard earlier at the meeting regarding buildings at risk that needed repairs;
- The applicant should have been advised that the windows used were inappropriate before going to the expense of having them installed;
- Would it be in the public interest to remove the windows?
- Although the applicant had consulted with the Conservation Officers there should be a method whereby a record was kept regarding what had been agreed;
- The new windows would help to conserve energy.

The Conservation Officer confirmed that the applicant had consulted with him but the style of replacement windows had not been agreed at that time.

The Area Lead East would follow up the suggestion that a record should be kept of all meetings where planning/conservation matters were discussed with applicants.

A proposal was made and seconded to approve the application as the windows were considered to be of an appropriate design that would not cause harm to the significance of the heritage asset. On being put to the vote the motion was carried by 8 votes in favour and 1 abstention.

RESOLVED: That Planning Application 14/05070/LBC be approved contrary to the officers recommendation The replacement windows are considered to be of an appropriate design and detailing that would not cause harm to the significance of the heritage asset. As such the proposal complies with paragraph to Policy EH3 of the South

Somerset Local Plan (Adopted April 2006), paragraph the National Planning Policy Framework and Policy EQ3 of the emerging South Somerset Local Plan (2006-2028).

(Voting: 8 in favour; 1 abstention)

175. 1/404978/FUL 5 Priory Villas Station Road Wincanton. Installation of a dormer window in main roof. (Agenda Item 19)

The Planning Officer presented the report as detailed in the agenda; he explained that the site was within a conservation area and an Article 4 area therefore all alterations would require planning permission. The proposed dormer window in the main roof would be of a large design and would appear to be of a large scale and out of keeping with the existing house and the adjoining terraced houses, the officer's recommendation therefore was to refuse this application.

Mrs L Elson representing CPRE supported the officer's recommendation to refuse the application which in her opinion would cause harm to the nearby Listed Building.

Ward Member Cllr Colin Winder was disappointed that the nearby Listed Building had not been included in the photos shown in the officer's power point presentation

The Area Lead East explained that the issue was the size of the proposed dormer and not reference to the Listed Building

Ward Member Cllr Nick Colbert could not understand why the application had been referred to AEC for consideration when both Ward Members and Town Council had no objections to the application.

During discussion varying views were expressed: the proposal was too large for the row of terrace houses; it would be seen from the road; the size and scale of the development was inappropriate and would ruin the set of terraces if repeated. There would not be such an issue if the size of the dormer was smaller.

The Area Lead East reminded members of the scheme of delegation: as the officers recommendation was contrary to the Town Council and Ward Members comments a request had been made for the application to be considered by members of AEC.

A proposal was made and seconded to refuse the application as per the officer's recommendation with an informative that the application should contact the case officer to discuss options for a smaller dormer window that may address the reasons for refusal. On being put to the vote the motion was carried by 5 votes in favour and 2 against.

RESOLVED: That Planning Application 41/04978/FUL be refused as per the officer's s recommendation

01. Due to the scale, form and design of the proposed dormer window, the proposal would appear out of scale and out of keeping with the existing house and the adjoining terraced houses, to the detriment of the character and appearance of the Conservation Area. This would be contrary to policies ST6 (Quality of Development) and EH1 (Conservation Areas) of the South Somerset Local Plan (Adopted April 2006) and the National Planning Policy Framework (March 2012) and policies EQ2 and EQ3 from the emerging South Somerset Local Plan (2006-2028).

SUBJECT TO THE FOLLOWING:

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

02: You are invited to contact the case officer to discuss the options for an amended dormer that may address the reason for refusal identified above.

(Voting: 5 in favour; 2 against)

After consideration of the Planning Applications discussion ensued around when an planning application should be considered by AEC members or when a decision should be delegated. It was felt that a mechanism was required to ensure that all Ward Members were advised when applications were due to be considered. The Area Lead East advised that he would ask the Development Manager on behalf of AEC members to review the current Scheme of Delegation.

Mrs L Elson also advised that SCC had confirmed that the mobile library service would be retained.

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Chairman